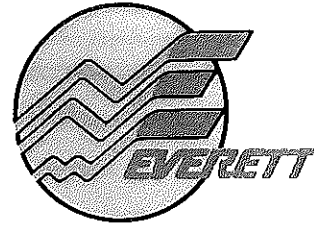


ORDINANCE NO. 3378-14



An Ordinance Amending Ordinance No. 2328-98 (EMC Title 18, Land Division), as amended, Concerning “Unit Lot Subdivisions”

WHEREAS, the City Council finds the following:

1. The Planning Commission recommended amending the Zoning Code (EMC Title 19) to add a chapter related to Unit Lot Subdivisions.
2. The revisions to the Zoning Code will also require certain amendments to the Subdivision Code (EMC Title 18).

WHEREAS, the City Council concludes the following:

1. The proposed amendments to the City’s Subdivision Code to add a section for Unit Lot Subdivisions are consistent with the Comprehensive Plan and
2. The proposed amendment promotes the best long term interests of the community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Section 1(D) of Ordinance No. 2328-98 (EMC 18.04.050), which reads as follows:

Jurisdiction. These regulations shall apply to all divisions, redivisions, alterations or vacations and boundary line adjustments of all lands within the incorporated area of the City of Everett.

Is hereby amended to read as follows:

Jurisdiction. These regulations shall apply to all divisions, redivisions, alterations or vacations and boundary line adjustments of all lands within the incorporated area of the City of Everett. Where the requirements of this Title conflict with the Unit Lot Subdivision regulations of EMC Chapter 19.15A, the requirements of EMC Chapter 19.15A shall control.

Section 2. Section 1(F) of Ordinance No. 2328-98, as amended (EMC 18.04.080), is hereby amended by the addition of the following definition:

“Unit lot subdivision” means a subdivision of land authorized by the Everett Municipal Code Chapter 19.15A as an alternative to conventional subdivision processes of EMC Title 18.

Section 3. Section 7(F)(3) of Ordinance No. 2328-98, as amended (EMC 18.28.080, Landscaping requirements), is hereby amended by the addition of the following:

M. The requirements of this Section shall not apply to Unit Lot Subdivisions.

Section 4. Section 7(F)(5) of Ordinance No. 2328-98, as amended (EMC 18.28.100, Street standards), is hereby amended by the addition of the following:

G. The use of private access drives in Unit Lot Subdivisions shall comply with the requirements of EMC Chapter 19.15A.

Section 5. Section 7(F)(9) of Ordinance No. 2328-98, as amended (EMC 18.28.140), which reads as follows:

Parking improvements, garages.

A. All existing and proposed uses for a division of land are required to provide parking to meet the requirements of the Everett zoning code and this title. All required parking areas and access shall be concrete or paved to city standards and shall meet the width requirements as defined by the Everett zoning code. No parking areas or access will be allowed within the required private open space as defined in the design and development provisions of this chapter. The maximum width of any parking areas located within a front setback shall be twenty feet. The minimum dimensions of any surface parking pad for two vehicles shall be twenty feet by twenty feet.

B. Garages. On all lots created after the effective date of the ordinance codified in this section, a garage shall be constructed as provided by this section.

1. The garage shall be a minimum of five feet from any side interior property line and twenty feet from a public street, easement access drive, or rear lot line, except as otherwise provided by this title. The access to the garage shall not exceed twenty feet in width in the front setback area from the public street or from the easement access drive curb face. This area shall be landscaped, screened, and improved per the landscaping provisions of this chapter. As an exception to this requirement an easement access front lot with an existing house and no existing garage will be allowed to provide surface parking for four vehicles in order to meet the parking requirements of this title. The parking pad shall have a minimum dimension of forty feet by twenty feet, and shall not be located between the house and the street, or within the private open space area.

2. All garages required by this section shall have a minimum exterior dimension of twenty feet by twenty-four feet. As an alternative to the twenty feet by twenty-four feet dimensions for the garage, a twenty-foot by twenty-foot garage may be constructed; provided, that it has an additional one hundred square feet of interior storage area. The requirement for interior storage shall be shown as a condition on the final plat or short plat.

Is hereby amended to read as follows:

Parking improvements, garages.

A. All existing and proposed uses for a division of land are required to provide parking to meet the requirements of the Everett zoning code and this title. All required parking areas and access shall be concrete or paved to city standards and shall meet the width requirements as defined by

the Everett zoning code. No parking areas or access will be allowed within the required private open space as defined in the design and development provisions of this chapter. The maximum width of any parking areas located within a front setback shall be twenty feet. The minimum dimensions of any surface parking pad for two vehicles shall be twenty feet by twenty feet.

B. Garages. With the exception of lots within Unit Lot Subdivisions, as provided by EMC Chapter 19.15A, on all lots created after the effective date of the ordinance codified in this section, a garage shall be constructed as provided by this section.

1. The garage shall be a minimum of five feet from any side interior property line and twenty feet from a public street, easement access drive, or rear lot line, except as otherwise provided by this title. The access to the garage shall not exceed twenty feet in width in the front setback area from the public street or from the easement access drive curb face. This area shall be landscaped, screened, and improved per the landscaping provisions of this chapter. As an exception to this requirement an easement access front lot with an existing house and no existing garage will be allowed to provide surface parking for four vehicles in order to meet the parking requirements of this title. The parking pad shall have a minimum dimension of forty feet by twenty feet, and shall not be located between the house and the street, or within the private open space area.

2. All garages required by this section shall have a minimum exterior dimension of twenty feet by twenty-four feet. As an alternative to the twenty feet by twenty-four feet dimensions for the garage, a twenty-foot by twenty-foot garage may be constructed; provided, that it has an additional one hundred square feet of interior storage area. The requirement for interior storage shall be shown as a condition on the final plat or short plat.

Section 6. Paragraph G of Section 7(F)(16) of Ordinance No. 2328-98, as amended (EMC 18.28.250), which reads as follows:

G. Irregular shaped lots shall be discouraged. In general, all lots shall be composed of straight lines which provide adequate building site and private rear yard area, except as permitted in cluster subdivisions or short subdivisions and binding site plans.

Is hereby amended to read as follows:

G. Irregularly shaped lots shall be discouraged. In general, all lots shall be composed of straight lines which provide adequate building site and private rear yard area, except as permitted in unit lot subdivisions, cluster subdivisions or short subdivisions and binding site plans.

Section 7. Section 7(F)(20) of Ordinance No. 2328-98, as amended (EMC 18.28.250), which reads as follows:

Yard areas.

A. Each division of land for a residential lot shall provide private yard area that is directly accessible from the living space within the house. For all lots, the private yard shall contain a

minimum of six hundred square feet of area with a minimum dimension of fifteen feet. The director may permit the private rear yard area to extend into the side yard only when it is continuous from the rear yard area, and the side yard contains a minimum distance of ten feet.

B. The required yard area must be shown on the final plat or short plat map. Notwithstanding Title 19 of this code, no accessory buildings or structures are permitted within the required yard area. The city will require a recorded notice on the title of each lot that prohibits placement of accessory buildings or structures within the required yard area.

C. For interior easement access lots, a second story uncovered deck may extend up to fifteen feet into the required yard when it is located on the side of the dwelling, but not closer than ten feet to any lot line. The maximum size for such a deck shall be three hundred square feet.

D. In order to provide flexibility in meeting the requirements of this section on each lot in cluster subdivision or cluster short subdivisions, the applicant may propose and the director may approve a reduction of up to fifty percent of the required yard area if an alternative is provided. Alternatives for private rear yard may include, but are not limited to, the following:

1. Additional developed common recreation or playground area; and
2. Private or public park or trail systems.

Is hereby amended to read as follows:

Yard areas.

A. With the exception of lots within Unit Lot Subdivisions, as provided by EMC Chapter 19.15A, each division of land for a residential lot shall provide private yard area that is directly accessible from the living space within the house. For all lots, the private yard shall contain a minimum of six hundred square feet of area with a minimum dimension of fifteen feet. The director may permit the private rear yard area to extend into the side yard only when it is continuous from the rear yard area, and the side yard contains a minimum distance of ten feet.

B. The required yard area must be shown on the final plat or short plat map. Notwithstanding Title 19 of this code, no accessory buildings or structures are permitted within the required yard area. The city will require a recorded notice on the title of each lot that prohibits placement of accessory buildings or structures within the required yard area.

C. For interior easement access lots, a second story uncovered deck may extend up to fifteen feet into the required yard when it is located on the side of the dwelling, but not closer than ten feet to any lot line. The maximum size for such a deck shall be three hundred square feet.

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1. Additional developed common recreation or playground area; and
2. Private or public park or trail systems.

Section 8. Severability. Should any section, paragraph, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 9. Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 10. Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 11. General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

ATTEST:


CITY CLERK


Ray Stephanson, Mayor

Passed: 4/23/14

Valid: 4/28/14

Published: 5/1/14

Effective Date: 5/13/14